IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.MC.No. 641 of 2007()

(S.T. NO. 1815/2005 of FIRST CLASS MAGISTRATE COURT II, THAMARASSERY)

PETITIONER: ACCUSED

E.T.JOSEPH,
AGED 55 YEARS, IRUMBUKUZHIYIL HOUSE,
KOOMBARA BAZAR POST, PEEDIKAPPARA.

BY ADV. SRI.C.VIVEK

RESPONDENTS: COMPLAINANT AND STATE
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1. REJIMON T.R., S/O.RAGHAVAN,
THONIPARA HOUSE, MANJAKKADAVU POST,
KOZHIKODE TALUK.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.ALEXANDER GEORGE
SRI. M.S. BREEZE, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.641 Of 2007

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Dated this the 24th day of July, 2007

ORDER

The petitioner is an accused under Sec.138 of Negotiable Instrument Act . Respondent is the complainant. The case has reached at the defence stage. At that stage, the petitioner accused wanted certain witnesses to be examined to prove a document- an agreement. The complainant is not a party to that agreement; but that agreement, it is submitted that, is specifically referred to in the reply notice. The learned Magistrate did not allow the said request to examine the witnesses and prove the document. The petitioner is aggrieved by the said order passed by the learned Magistrate. After discussions at the Bar there is unanimity that one further opportunity can be given to the petitioner to produce and examine the witnesses whom the petitioner wants to examine and to prove all such documents which the petitioner wants to introduce in evidence subject to law of relevancy and admissibility.

2. The learned counsel for the respondent also submits that it may be ensured that the prosecution under Sec.138 of Negotiable Instrument Act may be disposed of without any further delay.

3. I am in these circumstances, satisfied that specific directions can be issued in the matter. This petition, accordingly, is allowed. The following specific directions are issued.

i) The petitioner shall be permitted to examine further witness whom the petitioner wants to examine and whose names are in the schedule of witnesses already filed on the next day of posting. The petitioner undertakes to produce all such witnesses before the Court. All such witnesses who are present shall be permitted to be examined on the next date of posting.

ii) The learned Magistrate must make every endeavour to dispose of the case as expeditiously as possible, at any rate, within a period of one month from the date of next posting.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

sj